IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2589 OF 2004
WITH
CRIMINAL WRIT PETITION NO. 2590 OF 2004
WITH
CRIMINAL WRIT PETITION NO. 2591 OF 2004.

Ms. Warsha K. Zaveri **..Petitioner.**
V/s
Bombay Municipal Corporation
And others ..Respondents.

Mr. Milan A. Desai for the petioner.
Miss. Puranik for respondent No.1.
Mrs. M.M. Deshmukh, A.P.P.forthe State.

CORAM : S.C. DHARMADHIKARI, J.

DATE : 17TH OCTOBER, 2006.

P.C.

. The contentions raised before me are that the notice issued by the Corporation calling upon the petitioner to appear before the concerned Metropolitan Magistrate and answer a charge as to whether projection of show case in the premises is unauthorised, is illegal and invalid. This would entail enquiry into all matters including whether the pendency of a Civil suit instituted by the petitioner against the Corporation and the effect of an interim order therein. Unless and until all relevant documents are placed on record of the

Court below, it would not be proper to go into above contentions. There is no conclusive finding about legality and validity of the notice or otherwise. There is no reason to presume at this stage that the action of the Petitioner is legal and permissible. The petitioner despite rejection of this petition has an opportunity in law to demonstrate to the Court below that the notice itself was uncalled for and its issuance in any event is a matter which is fully covered by the civil suit. Keeping all contentions of the petitioner open, I dismiss the petitions, which are instituted at the stage of issuance of summons.

(S.C. DHARMADHIKARI, J.)